IN THE

Supreme Court of the United States

OCTOBER TERM, 1946

No. 470, 472

ILLINOIS COMMERCE COMMISSION, et al., etc.,
Petitioners,

vs.

GREAT LAKES ELEVATOR CORPORATION, et al.,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

SUPPLEMENTAL MEMORANDUM
DANIEL F. RICE & CO., A PARTNERSHIP

IRVIN ROOKS,

LEE A. FREEMAN,

Attorneys for Daniel F. Rice, Joseph J. Rice, William F. Eneley, and Joseph A. Fagan, doing business under the firm name of Daniel F. Rice & Co., a partnership,
Petitioners.

February 26, 1947.

LINCOLN PRINTING COMPANY, CHICAGO, WABASH 1094

IN THE

Supreme Court of the United States

OCTOBER TERM, 1946

No. 470, 472

ILLINOIS COMMERCE COMMISSION, et al., etc.,
Petitioners,

vs.

GREAT LAKES ELEVATOR CORPORATION, et al.,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

SUPPLEMENTAL MEMORANDUM
DANIEL F. RICE & CO., A PARTNERSHIP

MAY IT PLEASE THE COURT:

Pursuant to the suggestion of the Court at the time of oral argument in the above entitled cause, there is presented

herewith a summary of state regulation of public warehouses at present and prior to 1931.

Respectfully submitted,

IRVIN ROOKS,
LEE A. FREEMAN,
Attorneys for Daniel F. Rice, Joseph J. Rice, William F. Rowley, and Joseph A. Fagan, doing business under the firm name of Daniel F. Rice & Co., a partnership, Petitioners.

February 26, 1947.

STATE WAREHOUSE REGULATION

SUMMARY

	At Present	1931 and Prior
States providing some form of warehouse regulation	41	40
States regulating rates	32	31
States regulating discrimination	17	17
States regulating services and facilities	20	19
States regulating security issues and financial transactions	6	5

The survey does not include an investigation of state statutes providing separately for the supervision over abandonment of service or prohibiting warehousemen from exercising the dual and conflicting function of grain merchandiser and dealer.

State	Present Statutory Citation	Type of Warehouse	Date of Enactment	Subject Matter Regulated: Rates	Discrimination	Service and Facilities	Security Issues, Financial Transactions
Alabama	Code (1940) Tit. 2 Sec. 578	Cotton	1927			x	
Arizona	Code (1939) Sec. 52-901 to 52-905	Cotton, Wool	1927				
Arkansas	Dig. Stat. (Pope, 1937) Sec. 14389	Grain and Others	1917	x		x	
California	Gen. Laws (Deering, 1937) Act 6386, Secs. 32; 19; 13; 35; 36; 51-52½	Grain and Others	1915	x	x	x	x
Delaware	Rev. Code (1935) Ch. 25, Sec. 831 et seq.	Food	1915				
Georgia	Code (1933) Sec. 5-312	Cotton	1918	x			
Idaho	Code Ann. (1932) Secs. 59-502-3; 59-315; 59-302; 59-508	Grain	1913	x	x	x	
Illinois	Ill. Rev. Stat. (1945) Ch. 111⅔; Secs. 1-84	Grain and Others	1871[1] 1913	x	x	x	x
Indiana	Stat. Ann. (Burns, 1933) Secs. 67-512; 67-521; 67-306	Tobacco Grain	1857 1935	x	x		
Iowa	Code (1946) Secs. 543.28; 543.27; 543.2	Grain and Others	1924	x	x	x	
Kansas	Gen. Stat. Ann. (1935) § 34-235	Grain	1907	x			
Kentucky	Rev. Stat. (1944) § 359.140; 248.350; 248.360; 251.020	Grain, Tobacco	1892[2]	x	x	x	
Louisiana	Gen. Stat. (Dart's, 1939) § 9935; 9934	Grain and Others	1921	x		x	
Maine	Rev. Stat. (1944) Ch. 40, § 16-36; 37-9; 47; 42-6; 59-61	Grain and Others	1913	x	x	x	x

State	Present Statutory Citation	Type of Warehouse	Date of Enactment	Subject Matter Regulated			
				Rates	Discrimination	Service and Facilities	Security Issues, Financial Transactions
Maryland	Code Ann. (Flack, 1939) Art. 48, Sec. 43	Tobacco	1872				
Massachusetts	Ann. Laws (1933). Ch. 105, Sec. 1 et seq.	Goods, wares & merchandise	1860				
Michigan	Stat. Ann. (1937) Ch. 211 § 22.349	Grain and Others	1929	x			
Minnesota	Stat. (1941) § 231.15; 231.14; 231.02	Grain and Others	1915	x	x	x	x
Missouri	Rev. Stat. Ann. (1944) § 14685.24; 14685.7	Grain and Others	1913	x		x	
Montana	Rev. Code (1935) § 3579; 3585; 3592.6	Grain	1919[3]	x	x	x	
Nebraska	Rev. Stat. (1943) § 88-209	Grain and Others	1931	x	x		
Nevada	Comp. Law (1929) § 6114; 6116; 6117	Grain and Others	1919	x	x	x	
New Hampshire	Rev. Laws (1942) Ch. 205 Sec. 1 et seq.	Goods, wares & merchandise	1917				
New Jersey	Stat. Ann. Sec. 24-9-8	Food	1916			x	
New Mexico	Stat. Ann. (1941) § 53-901 et seq.	Grain	1941				
New York	Laws of N. Y. (Thompson, 1939) Gen. Bus. Law, Sec. 396	Grain	1903	x			
North Carolina	Gen. Stat. (1943) Sec. 106-452	Tobacco	1895	x			
North Dakota	Rev. Code, Sec. 60-0217; 60-0220	Grain and Others	1895[4]	x	x		
Ohio	Gen. Code Ann. (Page, 1937) § 6058	Tobacco	1881	x			
Oklahoma	Stat. Ann. (1938) Tit. 81 Sec. 13	Grain	1899	x	x		

State	Present Statutory Citation	Type of Warehouse	Date of Enactment	Subject Matter Regulated: Rates	Discrimination	Service and Facilities	Security Issues, Financial Transactions
Oregon	Comp. Laws (1940) Secs. 60-302; 60-306; 60-317	Grain and Others	1917	x	x		
Pennsylvania	Pa. Stat. (Purdon, 1936) Tit. 67 § 252 Tit. 31 § 952-3	Grain and Others	1869			x	x
South Carolina	Code of Laws (1942) Sec. 6387 Sec. 7197	Cotton Tobacco	1876 1896	x			
South Dakota	Code (1939) Sec. 60.0311	Grain and Others	1919	x			
Tennessee	Code Ann. (Williams, 1934) § 6498; 6481	Tobacco	1870[5]	x		x	
Texas	Stat. (Vernon, 1936) Art. 5601	Grain and Others	1917	x			
Utah	Code Ann. (1943) § 76-3-2; 76-3-3; 76-3-7; 76-4-7; 76-4-28; 76-4-8	Grain and Others	1917	x	x	x	x
Virginia	Code (1942) § 1381; 1384	Tobacco	1887	x		x	
Washington	Rev. Stat. Ann. (Remington, 1932) § 6987; 6999; 11569-3	Grain and Others	1919[6]	x	x	x	
Wisconsin	Stat. (1945) Sec. 126. 18	Grain and Others	1905	x	x		
Wyoming	Rev. Stat. (1931) § 1307; 1304; 5.602 et seq.	Grain and Beans	1931[7]	x		x	x

[1] The Illinois Grain Warehouse Act was enacted in 1871. In 1913, the Illinois Public Utility Act was passed regulating warehouses as public utilities. This latter statute was reenacted in 1921.
[2] Sections regulating rates added in 1893. Service regulation added in 1938.
[3] Sections regulating rates added in 1921. Service regulation added in 1927.
[4] Section prohibiting discrimination added in 1927.
[5] Section regulating rates added in 1889.
[6] Section regulating services added in 1933.
[7] Sections regulating rates, discrimination and services by bean warehouses added in 1939.